

STATE OF ALABAMA)
)
MONTGOMERY COUNTY)

AFFIDAVIT

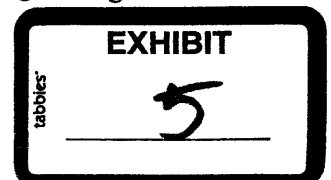
BEFORE ME, the undersigned authority for said County and State, personally appeared **VeLinda A.J. Weatherly**, who is known to me, and after being duly sworn, deposed and said as follows:

My name is **VeLinda A.J. Weatherly**. I am currently employed as an Associate Member of the Alabama Board of Pardons and Paroles. In that capacity, among other duties, I am one of three regular board members who have the discretionary decision-making authority of whether or not to grant parole or deny parole during parole consideration hearings conducted in open public meetings. I also have the discretionary decision-making authority to reset a prisoner for further parole consideration in conjunction with the *Alabama Board of Pardons and Paroles Rules, Regulations, and Procedures (the "Rules")*.

I deny violating any of Tony Broach's, AIS# 135,351, constitutional rights or acting arbitrary, capricious, abusive, discriminatory, or in a vindictive manner under the color of state law when I exercised my discretionary decision-making authority to decide whether or not to grant or deny parole to Broach on August 11, 2005.

I did not violate Tony Broach's due process rights. Broach does not have any due process rights when he is being considered for parole. At no time did I improperly consider Broach for parole or discriminate against him.

I am charged with the duty of personally studying prisoners so as to determine their ultimate fitness to be paroled. I did so in this case and decided to vote against granting



clemency to Broach on August 11, 2005. I voted to reset Broach for further tentative parole consideration in August 2007, which is clearly within the ambit of the current *Rules*. I deny violating the *Rules* or any state statutes.


In relation to Broach's claims where he was considered for parole in 1999 and reset for further consideration in 2002, I was **not** on the Board at that time. I was appointed to serve on the Board by Governor Bob Riley on January 29, 2004.

I deny violating Broach's Eighth Amendment rights against Cruel and Unusual Punishment. I have no authority to extend or to alter a prison term. My authority comes from the Alabama parole statutes. Extending sentences or prison terms is not listed in the Alabama parole statutes.

I deny violating ***any*** of Tony Broach's constitutionally protected rights. I acted within my lawful, discretionary authority when considering Broach for parole on August 11, 2005.


VELINDA A.J. WEATHERLY
ASSOCIATE MEMBER

SWORN TO AND SUBSCRIBED before me this 22nd day of
May 2006.


NOTARY PUBLIC
Commission Expires: 4-6-2010